

CARLISLE PLANNING BOARD

MINUTES

MAY 30, 1989

Present:

George B. Foote
Vivian F. Chaput
Sylvia Sillers
Stephen Tobin
Phyllis W. Hughes
Norman S. Lindsay
Elaine H. Olden,
Administrative Planning Assistant

Bills

The Planning Board authorized payment of bills as presented. Noting that the Board's expenses exceed the total budgeted for the present fiscal year, the members instructed Mrs. Olden to request that the Town Accountant return a bill from Cleverdon, Varney & Pike, Inc., recently submitted for payment, so that the Planning Board can arrange for an alternative method of paying the bill.

Clerk/Secretary Position

Noting that there has been no application in response to the Board's advertisement for a clerk/secretary, the members agreed that Mrs. Olden could incorporate the clerical tasks into the administrative tasks under the following conditions: that she make it possible to segregate the tasks again if the Board hires a clerk/secretary; and that she notify the Board if the clerical tasks interfere with her administrative responsibilities.

Definitive Plan Review

Noting the Board's concern expressed at the last meeting to reduce the number of public hearing sessions which members must attend in order to vote on a definitive plan, Mr. Foote suggested review of the plan before a public hearing is scheduled to make sure the plan is complete. After discussing the dual necessity of involving the public in review of the plan and facilitating attendance at hearing sessions so that members may vote, the Board proposed to reconcile the two demands by publicizing the

review schedule in the Carlisle Mosquito as well as publishing the notice of public hearing as required by statute.

Mr. Davis joined the meeting before the next discussion.

Ice Pond Road Definitive Plan

At 8:42 p.m., Chairman Foote called to order the public hearing continued from May 8, 1989, on the application of Charles Boiteau for approval of a two (alternative) Definitive Plans for property located north of East Street, the plans entitled respectively "Ice Pond Road - 1000 Ft." and "Ice Pond Road -- 1070 Ft.", with each plan showing one lot.

The Board members took up the items on the Worksheet for Discussion of Definitive Plan as follows:

o Is submission complete and does the proposal meet requirements (with reference to the April 7, 1989, letter from Cleverdon, Varney & Pike)?

"The 1000 foot roadway cross section does not conform to the typical roadway cross section." The applicant submitted a request for a waiver of this provision.

"The plan showing the 1000 foot roadway [and the plan showing the longer roadway do] not show any provisions for fire protection as outlined in Section 4.F. Fire Protection." The applicant reported that Mr. Brooks of 361 East Street owns Fire Hole #18 used by the Fire Department and he is willing to allow the applicant to enlarge it to serve the Ice Pond Road development.

"Sheets three and four show Lot 1 as being 34.3646 acres while sheets five and six designate the area as 36.3646." The applicant said that this drafting error will be corrected.

o Waivers requested and action on waivers:

On motion by Mr. Tobin seconded by Ms. Sillers, Mr. Tobin, Ms. Sillers, Mr. Foote, Ms. Chaput, and Mr. Davis voted to grant the waiver of Section 5.J. [Roadway Cross Section] requested for the 1000-Ft. road.

On motions by Ms. Sillers seconded by Mr. Tobin, Ms. Sillers, Mr. Tobin, Mr. Foote, Ms. Chaput, and Mr. Davis voted to grant the waiver of Section 4.A.5.a. [Deadend Streets] and the waiver of Section 4.A.5.c. [turnaround], both requested for the 1070-Ft. road.

o Planning Board concerns:

The Board noted that a standard condition of approval of a definitive plan requires the Applicant to execute a "Memorandum

Regarding Street" and to note this Memorandum on the Plan before endorsement and recording of the Plan. The applicant's attorney objected to this condition in part because it was not in the Rules and Regulations for subdivision approval and in part because it would not be to his client's advantage. The Board discussed the matter with the applicant and his attorney, including a suggestion by Mr. Lindsay that Town Counsel be consulted about the appropriateness of the condition. When it became evident that the votes on the definitive plans must be taken tonight, allowing no time for consultation with Town Counsel, the discussion of how to meet the Board's concern continued. The discussion was concluded with the representation by the applicant's attorney that the lot descriptions in the deeds conveying the individual lots will go only to the street right-of-way, leaving the land in the right-of-way available for possible acceptance of the road by the Town.

The Board noted that a Planning Board regulation and a standard condition of approval of a definitive plan states that the Approval is granted for a two-year period and that failure to complete the construction of the ways in accordance with the applicable rules and regulations of the Planning Board and failure of acceptance of the road by the Town of Carlisle by the end of the two-year period, unless the road acceptance is on the warrant for consideration at the next Town Meeting, shall automatically rescind approval of the Plan unless approval with or without modification of the Plan has been extended by the Board. When it was pointed out that Town Meeting acceptance of roads is not certain, the applicant submitted a request for a waiver of the following portion of Section 3.D. of the Planning Board regulations: "and the streets have not been accepted by the Town, or are not then on a warrant for consideration at the next Town Meeting." On motions by Ms. Chaput seconded by Mr. Tobin, Ms. Chaput, Mr. Tobin, Mr. Foote, Mr. Davis and Ms. Sillers voted to grant the requested waiver of this portion of Section 3.D. for the 1000-Ft. road and for the 1070-Ft. road.

On motions by Mr. Davis seconded by Mr. Tobin, Mr. Davis, Mr. Tobin, Mr. Foote, Ms. Chaput, and Ms. Sillers voted to approve the plan entitled "Ice Pond Road - 1000 Ft." and the plan entitled "Ice Pond Road - 1070 Ft." with respective waivers previously voted and subject to the following conditions: 1. After the definitive plan has been approved and endorsed, the Applicant shall furnish the Planning Board with two prints thereof. 2. This Approval is granted for a two-year period, until July 1, 1991. Failure to complete the construction of the ways in accordance with the applicable rules and regulations of the Planning Board shall automatically rescind approval of the Plan unless approval with or without modification of the Plan has been extended by the Board. 3. A covenant shall be recorded on the property precluding sale of any lots prior to the demonstration of fire protection facilities in accordance with the Carlisle Planning Board Rules and Regulations Governing the Subdivision of Land and accepted by the Planning Board.

Chairman Foote closed the public hearing at 10:44 p.m.

Ice Pond Road Conservation Cluster and Common Driveways Special Permits

At 10:45, Mr. Foote called to order the public hearings continued from May 8, 1989, on the application of Charles Boiteau for a Special Permit for a Conservation Cluster pursuant to Section 5.5 of the Carlisle Zoning Bylaws for property known as "Ice Pond Road" on a Definitive Plan submitted concurrently with the Special Permit application and the application of Charles Boiteau for Special Permits for two Common Driveways ("A" and "B") pursuant to Section 5.4 of the Carlisle Zoning Bylaws for property known as "Ice Pond Road" on a Definitive Plan submitted concurrently with the Special Permit applications.

The Board reviewed the outstanding items from April 24, 1989. Discussing the trail easement proposed by the applicant instead of the usual Conservation Restriction, the Board asked how the provisions of the easement would be enforced on the lot owners and on the public. Mr. Boiteau agreed to add a provision in the easement to allow 60 days for a lot owner to comply with a maintenance requirement of the easement after notification by a representative of the Town, after which time the Town may perform the maintenance. When Mr. Tobin noted that the proposed easement does not allow horses on the trail, Mr. Boiteau said that he does not want horses on the proposed trail and that he would allow them on a trail constructed through the wetlands.

The Board confirmed that the natural resources to be preserved and protected by the Conservation Cluster Special Permit are selected views, vistas and buffer areas, including the entrance to the development; natural habitats, including the wetlands; and the linkage of conservation land by the proposed trail.

At 11:28 p.m., Chairman Foote continued the public hearings until June 26, 1989, at 9:00 p.m. Ms. Chaput left the meeting.

During informal discussion of the page being designed for inclusion in the Carlisle Trails booklet, Mr. Davis suggested that the public be invited at the continued hearing to speak about the use of the proposed trail by horses; and Mr. Boiteau and Mr. Tobin agreed to meet with the Trails Committee to discuss the unresolved issues about the trail so that the Trails Committee can make recommendations for the Planning Board to consider at the continued hearings.

ANR Plan - Bisbee Property

On motion by Ms. Sillers seconded by Mr. Tobin, Ms. Sillers, Mr. Tobin, Mr. Davis, Ms. Hughes, and Mr. Lindsay voted to endorse a plan entitled "Plan of Land in Carlisle, Mass. (Middlesex County) For: Carlin Realty Trust" dated May 19, 1989, by Stamski and McNary, Inc., "Approval Under the Subdivision Control Law Not Required." Mr. Foote abstained.

Meeting adjourned at 11:45 p.m.

Respectfully submitted,

Elaine H. Olden
Administrative Planning Assistant